

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 18, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: San Diego Art Institute/Museum of the Living Artist Day.
COUNCILMEMBER ATKINS’ RECOMMENDATION: Adopt the
resolution.
- ITEM-31: Jerry Coleman Day.
COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION: Adopt
the resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, April 18, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, April 19, 2005.**

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 4/4/2005, Item 55.
- ITEM-51: Amending the San Diego Municipal Code to Amend the Start Date for the Financial Reporting Oversight Board to be No Later Than December 31, 2005.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 4/5/2005, Item 335.
- ITEM-52: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District. (La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)
CITY MANAGER'S RECOMMENDATION: Introduce the ordinances.
- ITEM-100: Inviting Bids for the General Requirements Contract–C27, Landscape and Habitat Maintenance.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Inviting Bids for the Trench Restoration of Various Streets Citywide – Water Department Project.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Inviting Bids for the Construction of Genesee Avenue Widening – Interstate 5 to Campus Point Drive Project. (University City Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Awarding of Contract to A&S BMW Motorcycles for the Purchase of Motorcycles for the San Diego Police Department.
PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION: On 3/16/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Approving the General Requirements Contract 003.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 1/26/2005, NR&C voted 5 to 0 to:
- 1) Move the General Requirements Contract 003 forward to Council with direction to the City Manager to provide a simple breakdown of the jobs that were done as part of the 2003 General Requirements Contract and their costs;
 - 2) Ask Local 127 to comment on their ability or inability to perform the work included in the General Requirements Contract;
 - 3) Request an analysis from the previous contractor on the breakdown of minorities in their workforce;
 - 4) Direct the Water Department to report back quarterly on the progress of the General Requirements Contract subject to Chair Maienschein's discretion.
- ITEM-105: West Mission Bay Drive and Mission Boulevard Improvement. (Mission Beach Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Second Amendment to Agreement with Schmidt Design Group, Inc. for Additional Professional Design Services. (Carmel Valley Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Six-Year Lease Agreement with Irmgard B. Valenta to Provide Parking Facility for the United States Post Office Located at 720 Silver Street, La Jolla. (La Jolla Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Assignment, Assumption and Consent Agreement Assigning Remainder of FY 2005 Transient Occupancy Tax (TOT) Contract with San Diego Regional Technology Alliance (RTA) to San Diego Workforce Partnership (SDWP).
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: California Integrated Waste Management Board (CIWMB) Household Hazardous Waste (HHW) Used Oil Recycling Grants and Agreement for FY 06 – FY 08.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Reappointment of Olivia Puentes-Reynolds to the Park and Recreation Board.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Reappointment of Douglas Livingstone to the Old Town San Diego Planned District Design Review Board.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Excusing Councilmember Atkins from the Natural Resources and Culture Committee Meeting of March 2, 2005.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-113: Terminating the State of Emergency Due to Economic Circumstances in the San Diego – Tijuana Border Region. (San Ysidro, Otay Mesa, and Otay Mesa/Nestor Community Areas. District 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

ITEM-150: Proposed Changes to Ethics Commission Audit Manual.
RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 4/6/2005, Rules voted 4 to 0 to (1) approve the Ethics Commission recommended changes (as set forth in its 3/21/05 memo and draft manual and its 4/6/05 Power Point presentation) to the Ethics Commission Audit Manual; and (2) to direct the Governmental Relations Department to work with the Ethics Commission to change state law regarding separate campaign accounts for local elected officials' legal defense funds.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Five actions related to Multi-Year Financial Forecast and Request for Waivers for the Fiscal Year 2006 Proposed Budget.
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

- ITEM-250: **Notice** of Pending Final Map Approval – 4675 Ohio Street.
- ITEM-251: **Notice** of Settlement of Property Damage Claim of Joyce Sanders and
Terry Mills.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: San Diego Art Institute/Museum of the Living Artist Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-1060)

Commending the San Diego Art Institute/Museum of the Living Artist for their commitment to support and sustain visual artists and the visual arts in the San Diego region, and congratulating them on the occasion of the 48th International Awards Exhibition;

Proclaiming April 30, 2005, to be "San Diego Art Institute/Museum of the Living Artist Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-31: Jerry Coleman Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-960)

Recognizing the vital services that Jerry Coleman has provided the citizens of San Diego;

Proclaiming April 18, 2005, to be "Jerry Coleman Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

ORDINANCES TO BE INTRODUCED:

Item 52.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/4/2005, Item 55. (Council voted 9-0):

(O-2005-110)

Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

- * ITEM-51: Amending the San Diego Municipal Code to Amend the Start Date for the Financial Reporting Oversight Board to be No Later Than December 31, 2005.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/5/2005, Item 335. (Council voted 9-0):

(O-2005-112)

Amending Chapter 2, Article 6, Division 17, of the San Diego Municipal Code by amending Section 26.1701 to read as follows:

“The City Council recognizes that selecting the members of the Financial Reporting Oversight Board is likely to require some time, and it is the intent of the City Council that, if possible, the Financial Reporting Oversight Board shall be fully constituted and prepared to assume its duties as soon as possible but no later than December 31, 2005.”

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-52: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District.

(See City Manager Report CMR-05-088. La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2005-89)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Bird Rock Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-B: (O-2005-90)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Clay Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-C: (O-2005-91)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for lighted fields and recreational facilities at the Field Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-D: (O-2005-92)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields, recreational facilities and parking lot at the Fletcher Elementary School site, under the terms and conditions set forth in that agreement.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-52: (Continued)

Subitem-E: (O-2005-93)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Hardy Elementary School site, under the terms and conditions set forth in that agreement.

Staff: Deborah Sharpe – (619) 525-8261
Shannon M. Thomas – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Inviting Bids for the General Requirements Contract C-27, Landscape and Habitat Maintenance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-921)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for General Requirements Contract C-27, Landscape and Habitat Maintenance, on Work Order No. 002008;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as needed landscape and habitat maintenance services for a minimum of \$50,000 and not to exceed \$1,000,000 for one year;

Authorizing the expenditure of an amount not to exceed \$1,000,000 in total from Fund 41506, solely and exclusively, for the purpose of funding the General Requirements Contract C-27, Landscape and Habitat Maintenance, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05110)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been entering into General Requirements Contracts (GRC) for almost 10 years. The GRC contracts were formerly referred to as Job Order Contracts or "JOC" Contracts. The primary objective for having GRC Contracts, is to provide quick turnaround and to execute emergency maintenance, repair, and general construction activities. MWWD has historically issued four types of GRCs: General Engineering, Building Modifications, Electrical Systems, and Mechanical Systems. MWWD would like to issue a new contract under the GRC Contract format/process, which would include Landscape and Habitat Maintenance activities as a result of our extensive, ongoing canyon maintenance program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This contract will provide landscape maintenance, construction, repairs, installation, irrigation, and erosion control; collect native seeds as needed; procure and apply appropriate herbicides and pesticides as necessary; repair or restore native habitat and assume maintenance activities of existing City projects. This work may require grading, excavation, weeding, disposal or recycling of greenery, refuse removal and disposal, hydro-seeding, various forms of fencing, signage, and other miscellaneous tasks. This work will be assigned based on the type of work, location, and necessity. This action is for the approval to advertise and award General Requirements Contract C-27 Landscape/Habitat Maintenance, in an amount not to exceed \$1,000,000.

Each GRC is competitively procured. The contractor bids a factor or a multiplier which applies to all prices in a predetermined unit price book which is part of the contract documents. The contractor with the lowest factor and responsible bid is awarded the contract. The City is under no obligation to pay the contractor for more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely manner in order to get additional work and task orders. The specific tasks to be executed under this contract have not yet been identified. All task orders are issued as needed and are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional task orders under this contract, and such conduct shall be grounds for default by the City. The continuation of the GRC will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering cost and meeting on-going regulatory requirements.

FISCAL IMPACT:

Funds in the amount of \$1,000,000 for this contract are available from Fund No. 41506 in Fiscal Year 2005.

Mendes/Tulloch/BW

Staff: Ann Sasaki – (858) 292-6469
Thomas C. Zeleny – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Inviting Bids for the Trench Restoration of Various Streets Citywide – Water Department Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1002)

Approving the specifications for "Trench Restoration of Various Streets Citywide–Water Department" (Project) as advertised by the Contract Administrator for bids, on Work Order No. 053536;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first certifies that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of the following not-to-exceed amounts from Fund No. 41500, for the purposes of funding the Project contract and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer: \$250,000 in Fiscal Year 2005; \$4,000,000 in Fiscal Year 2006; and \$4,000,000 in Fiscal Year 2007;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K052673C)

CITY MANAGER SUPPORTING INFORMATION:

In September 2003, the City Council adopted Ordinance Number O-19215 amending Division 12, Article 2, Chapter 6 of the Municipal Code requiring that all trenches within City streets to be repaired more extensively within a specified time period. The activities of the Water Department, Water Operations Division results in more than 1,900 trenches per year that must be completed in accordance with this section of the Municipal Code. As there will be a greater volume of work than existed in prior years, existing staff levels are not adequate to accomplish the work. Therefore, it is recommended that the trench work be contracted to a private contractor licensed to do this type of work.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The term of this general requirements contract will be for a period of one year and may be renewed for one additional one-year period.

FISCAL IMPACT:

\$250,000 in funds for this project is available in Fiscal Year 2005 from Water Department Fund 41500. Funds up to an amount not to exceed \$4,000,000 will be available in Fiscal Year 2006 and in Fiscal Year 2007 from Water Department Fund 41500.

Mendes/Belock/SM

Aud. Cert. 2500812.

Staff: Said Mahdavi – (619) 527-7686
Lori W. Girard – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Inviting Bids for the Construction of Genesee Avenue Widening – Interstate 5 to Campus Point Drive Project.

(University City Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-984)

Approving the plans and specifications for the construction of the Genesee Avenue Widening – Interstate 5 to Campus Point Drive Project (Project), on Work Order No. 119617;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,088,309 from the North University City Facilities Benefit Assessment, Fund 79001, to the Genesee Avenue Widening, I-5 to Campus Point, CIP-52-373.0, for the purposes of construction, engineering and related costs;

Authorizing the City Manager to include additional funding in an amount not to exceed \$2,088,309 for the Genesee Avenue Interstate 5 to Regents Road project in the subsequent North University City Public Facilities Financing Plan update;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Budget for CIP-52-373.0, Genesee Avenue Interstate 5 to Campus Point Drive, by \$2,088,309, Fund 79001;

Authorizing the City Manager to enter into a construction contract with the lowest responsible and reliable bidder, in an amount not to exceed \$4,900,000, provided that the City Auditor and Comptroller first furnishes a certificate that demonstrates that said funds are on deposit in the City Treasury;

Authorizing the City Manager to accept quitclaim deeds and easement deeds, as necessary, to complete the acquisition of property rights as depicted on City Engineer Drawing No. 00047-C, required for the widening and improvement of Genesee Avenue from I-5 to Campus Point, CIP-52-373.0;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

Authorizing the City Manager to negotiate and execute a consultant agreement for the above-referenced public relations services in an amount not to exceed \$100,000 for the Project, provided that the City Auditor and Comptroller first furnishes a certificate that demonstrates that said funds are on deposit in the City Treasury;

Declaring the City Manager, upon completion of the CIP, is to return excess funds to the North University City Facilities Benefit Assessment, Fund 79001;

Authorizing the City Manager to execute a reimbursement agreement with Scripps Memorial Hospital, for an amount not to exceed \$150,000, for the purpose of improving the entrance to Scripps Hospital concurrently with the adjacent city improvements;

Authorizing the City Manager to accept an amount not to exceed \$150,000 from Scripps Memorial Hospital pursuant to the Reimbursement Agreement, into Fund 63022, CIP-52-373.0, Genesee Avenue Widening, and authorizing the City Auditor and Comptroller to approve and expend that amount, provided that the City Auditor and Comptroller first certifies that said funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to return any unexpended funds received from Scripps Memorial Hospital, in an amount not to exceed \$150,000, to Fund 79001;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The project provides for widening of Genesee Avenue to 6 lanes from Interstate 5 to Campus Point Drive, the interim traffic improvements to existing Genesee Avenue freeway interchange, improvements to the entrance for Scripps Hospital, and various other related traffic improvements needed in the project area. The work includes new curbs, sidewalks, pavement, medians, stamped concrete, traffic signal modifications, striping, fencing, landscaping, water quality improvements, and related work.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This project will reduce traffic congestion in the area by providing both additional lanes to accommodate the freeway on-ramp traffic volumes and additional capacity to the local traffic crossing through the area. The widening of Genesee Avenue east of I-5 will provide the ultimate width of the roadway needed and be compatible with the final interchange configuration. Under a permit from Caltrans, the improvements to the freeway interchange will provide interim congestion relief, until the ultimate interchange project is completed in 2010 or later. The improvements to the entrance for Scripps Hospital would be performed under a reimbursement agreement with Scripps and are necessary to improve access by emergency vehicles. This work would complete the remaining portion of the Public Facilities Financing Plan project, Genesee Avenue east of Campus Point to Regents Road, which has previously been widened from 4 lanes to 6 lanes east of Campus Point Drive under a joint project with UCSD.

After extensive discussions with the property owners, agreements on all the property acquisition needs (at no cost to the City) have been reached. However, due to high traffic volumes, a majority of the construction work on Genesee Avenue and the I-5 overpass must be performed at night, which was not originally anticipated. With this, the addition of the interim improvements at the interchange, and the recent increases in construction costs, additional funds are required to complete the project. In addition, it is recommended that a public relations firm be utilized to interact with the affected community, due to the night work, complex traffic control, and high traffic volumes.

FISCAL IMPACT:

The total project cost is now \$5,971,113, of which \$3,882,804 has been previously budgeted. The additional funds necessary in the amount of \$2,088,309 are available from the North University City Facilities Benefit Assessment, Fund 79001. Upon completion and acceptance, the costs for the Scripps Hospital entrance improvements will be fully reimbursed by Scripps to the North University City FBA, Fund 79001.

Mendes/Boekamp/Gaines

Aud. Cert. 2500845.

Staff: Richard Leja – (619) 533-3764
Jeremy A. Jung – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Awarding of Contract to A&S BMW Motorcycles for the Purchase of Motorcycles for the San Diego Police Department.

(See City Manager Reports CMR-04-250 and CMR-05-053.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-953)

Authorizing the City Manager's award of the contract for furnishing Motorcycles for the San Diego Police Department to A&S BMW Motorcycles, Roseville, CA, based on Request for Proposal No. 6757-04-Z-RFP, with an initial purchase of fifty-five motorcycles, as may be required for a period of one year beginning from date of award with option to renew the contract for four additional one-year periods, with price escalations not to exceed 50 percent of prices in effect at the end of each prior contract year;

Authorizing solely and exclusively for providing funds for said contract, the estimated expenditure of \$1,114,561.69 from Fund No. 18684, Department No. 18684, Object Account No. 6013, and Job Order No. 018684, approved for the initial purchase of fifty-five motorcycles to replace the existing Fleet;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 3/16/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Zucchet, Atkins, Young, and Madaffer voted yea. Councilmember Inzunza not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

SUPPORTING INFORMATION:

City Council approval is requested to authorize the City Manager to award the contract for furnishing Motorcycles for the San Diego Police Department to A&S BMW Motorcycles, Roseville, CA, based on the Request for Proposal No. 6757, with an initial purchase of fifty-five (55) motorcycles, as may be required for a period of one (1) year beginning with the date of award with option to renew for four (4) additional one (1) year periods, with price escalations not to exceed fifty percent (50%) in effect at the end of the each prior contract year.

The recommendation on the Manager's Report authorizes the City Manager to purchase up to 65 motorcycles as funds become available. The resolution authorizes the expenditure of funds for the initial purchase of fifty-five (55) motorcycles and authorizes the City Manager to award a contract for up to five years.

FISCAL IMPACT:

FY 2005 Estimated Cost: \$1,114,561.69.

Irvine/Rossman

Aud. Cert. 2500849.

Staff: Walter Rossman – (619) 236-5921
Deborah L. Berger – Assistant City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Approving the General Requirements Contract 003.

(See City Manager Report CMR-05-083 and memorandum from Frank Belock, Jr. dated 1/19/2005.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1011)

Approving the General Requirements Contract 003 for repairs and emergency work for water related facilities in an amount not less than \$25,000 and not to exceed \$5,000,000, and a contract duration not to exceed two years as advertised by Contract Services, on Work Order No. 021003;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$5,000,000 and to award tasks pursuant to such contract, provided that that City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,000,000 from Water Fund 41500, solely and exclusively, for the purpose of providing funds for the General Requirements Contract 003 and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/26/2005, NR&C voted 5 to 0 to:

- 5) Move the General Requirements Contract 003 forward to Council with direction to the City Manager to provide a simple breakdown of the jobs that were done as part of the 2003 General Requirements Contract and their costs;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

- 6) Ask Local 127 to comment on their ability or inability to perform the work included in the General Requirements Contract;
- 7) Request an analysis from the previous contractor on the breakdown of minorities in their workforce;
- 8) Direct the Water Department to report back quarterly on the progress of the General Requirements Contract subject to Chair Maienschein's discretion.

(Councilmembers Atkins, Young, Maienschein, Frye, and Madaffer voted yea.)

Aud. Cert. 2500682.

Staff: Vic Banes – (619) 533-6600
John F. Kirk – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: West Mission Bay Drive and Mission Boulevard Improvement.

(Mission Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1050)

Authorizing the City Manager to increase by \$50,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP-52-707.0, West Mission Bay Drive/Mission Blvd. Improvement, in Fund 10532, Belmont Park Traffic Amelioration Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$50,000 from CIP-52-707.0, West Mission Bay Drive/Mission Blvd. Improvement, Fund 10532, Belmont Park Traffic Amelioration Fund, for the purpose of construction of street improvements along West Mission Bay Drive and Mission Boulevard, contingent upon the City Auditor and Comptroller certifying that said funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The West Mission Bay Drive/Mission Boulevard Improvement project (CIP-52-707.0) addresses street improvements at West Mission Bay Drive and Mission Boulevard.

The improvements on West Mission Bay Drive will provide for a raised center median and mid-block crosswalk along West Mission Bay Drive between Gleason Road and Mission Boulevard. This work will include the installation of advanced warning signs and flashing pedestrian beacons.

The improvements on Mission Boulevard will provide for a right turn lane on Mission Boulevard into the Belmont Park parking lot by narrowing the center median, re-striping the lanes, and redesigning the traffic signal loops to facilitate traffic flow.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This action will provide \$50,000, from the Belmont Park Traffic Amelioration Fund, to cover increased material costs and design modifications for enhanced safety features, such as truncated domes, and continual electrical crosswalk flashing beacons.

Construction on both projects is scheduled to be completed by May 27, 2005, prior to the start of the summer construction moratorium.

FISCAL IMPACT:

Funds in the amount of \$50,000 are available in Fund 10532, Belmont Park Traffic Amelioration Fund. Total project cost will be increased to \$245,000.

Mendes/Boekamp/DZ

Aud. Cert. 2500887.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy AS. Jung – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Second Amendment to Agreement with Schmidt Design Group, Inc. for Additional Professional Design Services.

(Carmel Valley Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-926)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a Second Amendment to Agreement with Schmidt Design Group, Inc., for additional professional design services in CIP-29-407.0, Carmel Valley Community Park South Recreation Building, in the amount of \$465,175, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$465,175 from CIP-29-407.0, Carmel Valley Community Park South Recreation Building, for the purpose of executing this Second Amendment to Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Schmidt Design Group, Inc. was selected as the consultant for this project in August 2002 through a process in which 5 consultant firms were interviewed by Park Planning and Development staff with assistance from a Carmel Valley community member. Schmidt Design Group, Inc. was identified as the most qualified to provide the professional design services demanded by this project.

The original Agreement between the City and Schmidt Design Group, Inc. for professional design services provided for the development of the General Development Plan (GDP) and Recreation Building preliminary design for CIP-29-764.0, Carmel Valley Community Park South and was approved by the City Council on December 3, 2002, (Resolution No. R-297406). The First Amendment to Agreement was approved by the City Council on November 22, 2004, (Resolution No. R-299857). The First Amendment to Agreement increased the original scope of services for the production of Contract Documents to secure public bids for the development of the park improvements, CIP-29-764.0, excluding the Recreation Building. Shortly after the First Amendment to Agreement was approved, funding became available in CIP-29-407.0, Carmel Valley Community Park South Recreation Building, Fund No. 39063, Torrey Hills Development Impact Fees, for the production of Contract Documents for the Recreation Building to be located within the park.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This Second Amendment to Agreement will increase the scope of services to be provided by Schmidt Design Group, Inc. to provide for the production of Contract Documents to secure public bids and assist the City through the public bidding and construction phases of the Carmel Valley Community Park South Recreation Building.

FISCAL IMPACT:

The Second Amendment to Agreement will revise the scope of services and increase the consulting fees by \$465,175 for a total amount of \$897,524. This design contract represents 6.2% of the total project cost of \$14,435,000 for the park improvements and recreation center. The additional consulting fees (\$465,175) shall be funded by the Torrey Hills Development Impact Fees, Fund No. 39063 for the purpose of preparing Contract Documents for the Carmel Valley Community Park South Recreation Building.

Herring/Oppenheim/Penera

Aud. Cert. 2500869.

Staff: April Penera – (619) 525-8223
Shannon M. Thomas – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Six-Year Lease Agreement with Irmgard B. Valenta to Provide Parking Facility for the United States Post Office Located at 720 Silver Street, La Jolla.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1019)

Authorizing the City Manager to execute a 6-year agreement with Irmgard B. Valenta, for City-owned property located at 720 Silver Street in La Jolla for the purposes of providing a parking facility for the United States Post Office, for \$7,000 per year with annual rent adjustments of \$250 per year, on the terms and conditions set forth in the Lease Agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

CITY MANAGER SUPPORTING INFORMATION:

This City-owned property is a triangular-shaped parcel consisting of approximately 3,375 square feet adjacent to the La Jolla Recreation Center public tennis courts on Draper Avenue. The parcel cannot be independently marketed or developed because of its substandard size, location and shape. Joining this property to the City tennis courts would not be a feasible alternative due to configuration and topography.

The City originally issued a land use permit for the property on April 20, 1977, which was assigned from the original Permittee to Irmgard B. Valenta on November 21, 1983. In 1987, the permit was converted to a lease. The lessee's adjacent property is developed and leased for use as the delivery unit for the La Jolla branch of the U.S. Post Office. The City-owned parcel is used as a portion of the parking lot and provides parking for up to 11 postal vehicles. Prior to the leasing of the property, maintenance had been an ongoing problem due to litter and poor drainage.

The terms of the proposed lease are as follows:

TERM: 6 years.
RENT: Initial rent of \$7,000 per year with \$250 annual increases.
USE: Parking area for the adjacent United States Post Office.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The proposed lease renewal term runs concurrently with the Post Office's lease on the adjacent property. Market value for the property was determined by City staff as of March 1, 2005, to be \$118,200. Due to limited use and access, the parties have agreed to initial rent of \$7,000 annually.

FISCAL IMPACT:

Initial annual rent of \$7,000 will be deposited into the General Fund.

Herring/Griffith/CLY

Staff: Carol Young – (619) 263-6985
Elisa A. Cusato – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Assignment, Assumption and Consent Agreement Assigning Remainder of FY 2005 Transient Occupancy Tax (TOT) Contract with San Diego Regional Technology Alliance (RTA) to San Diego Workforce Partnership (SDWP).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1001)

Authorizing the City Manager, or designee, to execute an Assignment, Assumption and Consent Agreement, by and among the RTA, the SDWP and the City of San Diego for the purpose of assigning the remaining obligations and interests of the RTA under the Program Agreement to the SDWP.

CITY MANAGER SUPPORTING INFORMATION:

In FY 05, the City Council authorized \$48,026 of Transient Occupancy Tax (TOT) funding for the San Diego Regional Technology Alliance (RTA) for workforce development activities. Specifically, the RTA was to: 1) compile a comprehensive resource guide that could be utilized by Community Technology Center (CTC) directors to help their constituents identify workforce resources and 2) provide employment resource consulting to 10 of the City's CTCs enabling each CTC to teach community residents how to effectively use the Internet to find education and training providers, research occupations appropriate to their interests and skill levels, search for jobs online, build resumes and conduct research on prospective employers. The RTA has completed the CTC resource guide.

The RTA, supported in large part through a contract with the State of California, has successfully provided programs in entrepreneurship education, technology research and community economic development for several years. Unfortunately, the State eliminated funding for the RTA beginning in 2004, which forced the RTA to consider other organizational options. In February 2005, the RTA reorganized as the RTA@CONNECT with a focus on continuing their excellent entrepreneurship programs.

Given this change, the RTA is unable to complete the second phase of the above referenced scope of work. The RTA has suggested that the City assign their contract to the San Diego Workforce Partnership (SDWP), an organization that is ideally suited to complete this scope of work. The SDWP, the major workforce development organization for the San Diego region, has already consented to the proposed assignment. Additionally, the programs that the RTA was developing for the CTCs drew heavily upon the programs of the SDWP.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This action would authorize the City Manager or his designee to execute an Assignment, Assumption and Consent Agreement for the purpose of assigning the remainder (\$22,883) of the FY 05 TOT Contract with the RTA to the SDWP.

FISCAL IMPACT:

None with this action.

Frazier/Cunningham/JK

Aud. Cert. 2500867.

Staff: Jeff Kavar – (619) 533-4221
Michael Neumeyer – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: California Integrated Waste Management Board (CIWMB) Household Hazardous Waste (HHW) Used Oil Recycling Grants and Agreement for FY 06 – FY 08.

(See City Manager Report CMR-05-087.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1027)

Authorizing the City Manager to apply for and accept one-to-three year California Integrated Waste Management Board (CIWMB) household hazardous waste/used oil recycling grants, other CIWMB oil grants, and augmented awards for Fiscal Years 2006-2008;

Designating the Environmental Services Department Deputy Director as the person authorized to apply for, accept, and sign all CIWMB household hazardous waste/used oil recycling grant documents and agreements on behalf of the City;

Authorizing, contingent upon approval of the Fiscal Year 2006-2010 budgets and upon award of grant funding for the corresponding fiscal years, the continued staffing to implement and administer CIWMB-approved grant activities and agreements.

Staff: Donna Skinner – (858) 492-5006
Grace C. Lowenberg – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Reappointment of Olivia Puentes-Reynolds to the Park and Recreation Board.

(See memorandum from Mayor Murphy dated 4/6/2005, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1054)

Council confirmation of the following reappointment by the Mayor of the City of San Diego of Olivia Puentes-Reynolds (San Carlos resident in District 7), to serve as a member of the Park and Recreation Board, for a term ending March 1, 2007.

- * ITEM-111: Reappointment of Douglas Livingstone to the Old Town San Diego Planned District Design Review Board.

(See memorandum from Mayor Murphy dated 4/7/2005, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1055)

Council confirmation of the appointment by the Mayor of the City of San Diego of Douglas E. Livingstone (Del Cerro resident in District 7), to serve as a member of the Old Town San Diego Planned District Design Review Board in the Landscape Architect category, for a term ending March 1, 2009.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-112: Excusing Councilmember Atkins from the Natural Resources and Culture Committee Meeting of March 2, 2005.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-964)

Excusing Councilmember Toni Atkins from attending the regularly scheduled Natural Resources and Culture Committee Meeting of March 2, 2005.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: Terminating the State of Emergency Due to Economic Circumstances in the San Diego – Tijuana Border Region.

(San Ysidro, Otay Mesa, and Otay Mesa/Nestor Community Areas. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-985)

Terminating the state of emergency in connection with the economic circumstances at the San Diego-Tijuana border, pursuant to Government Code Section 8630.

CITY MANAGER SUPPORTING INFORMATION:

On December 10, 2001, the City Council adopted a resolution declaring a State of Emergency due to the economic circumstances in the San Diego-Tijuana border area following the tragic events of September 11, 2001. The tragedy resulted in increased inspection times at the border and a significant reduction in cross-border traffic. These circumstances adversely impacted businesses in the border region that were largely dependent on border crossing visitors and prompted the declaration of a State of Emergency in accordance with California Government Code Section 8630.

Cross-border traffic levels have increased and border inspection times have been significantly reduced allowing the surrounding border business communities to recover. As the adverse economic circumstances have dissipated and noting the desire of border business associations to rescind the State of Emergency, staff is recommending that a resolution terminating the State of Emergency be adopted.

This action would approve a resolution proclaiming that the conditions, which prompted the declaration of a State of Emergency due to economic circumstances in the San Diego-Tijuana border region, have sufficiently abated such that the state of emergency can be terminated.

FISCAL IMPACT:

None with this action.

Frazier/Cunningham/Kawar

Staff: Jeff Kawar – (619) 533-4221

Michael Neumeyer – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-805)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-836)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-592)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:**

ITEM-150: Proposed Changes to Ethics Commission Audit Manual.

(See memorandums from Stacey Fulhorst dated 3/21/2005 and 4/7/2005 (not available at Committee); and Ethics Commission Power Point dated 4/6/2005.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1049)

Approving the newly revised City of San Diego Ethics Commission Audit Manual, for use by the Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 4/6/2005, Rules voted 4 to 0 to (1) approve the Ethics Commission recommended changes (as set forth in its 3/21/05 memo and draft manual and its 4/6/05 Power Point presentation) to the Ethics Commission Audit Manual; and (2) to direct the Governmental Relations Department to work with the Ethics Commission to change state law regarding separate campaign accounts for local elected officials' legal defense funds. (Councilmembers Peters, Zucchet, Maienschein, and Mayor Murphy voted yea. Councilmember Madaffer not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Five actions related to Multi-Year Financial Forecast and Request for Waivers for the Fiscal Year 2006 Proposed Budget.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-883 Cor. Copy)

Accepting entitled "City Manager's Multi-Year Financial Forecast Report";

Subitem-B: (R-2005-884)

Requesting the City Council temporarily suspend compliance with San Diego Municipal Code Section 22.0228(d) for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 22.0228 for Fiscal Year 2006.

Subitem-C: (R-2005-885)

Requesting the City Council temporarily suspend San Diego Municipal Code Section 22.0229 for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 22.0229 for Fiscal Year 2006;

Authorizing the City Manager to propose the use of these monies to fund priorities such as public safety in the Fiscal Year 2006 proposed budget.

Subitem-D: (R-2005-886)

Requesting the City Council temporarily suspend compliance with San Diego Municipal Code Section 63.30 for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 63.30 for Fiscal Year 2006.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

Subitem-E: (R-2005-1004)

Suspending City Council Policy 100-18 Section B in Fiscal Year 2006 to allow the City Manager to propose the use of Community Parking District Moneys to fund other City Priorities.

CITY MANAGER SUPPORTING INFORMATION:

Due to the insufficient availability of revenues anticipated for the coming fiscal year, the City Manager is contemplating significant reductions in the General Fund in order to continue to fund priorities such as public safety. In order to maintain these priorities, the City Manager requests a temporary suspension of compliance with Sections 22.0228 (Library Ordinance), 22.0229 (Mission Bay Ordinance), 63.30 (Environmental Growth Ordinance), and the waiver of City Council Policy 100-18 Community Parking District Policy (Section B) except funding required for debt service payments.

On Monday, February 14, 2005, the Mayor and Council approved Resolution R-300123, "Participation in Vehicle License Fee Gap Receivables Financing Program." This resolution allowed for several approved actions, two of which influence the recommendation to temporarily suspend compliance with Municipal Code 63.30, Environmental Growth Ordinance. First, Resolution 300123 approved the City to sell its General Fund Motor Vehicle License Fee (VLF) receivables to the California Statewide Communities Development Authority (CSCDA) for a minimum sale price equal to \$20.0 million. Second, Resolution R-300123 allows the City to use the VLF receivables proceeds to pay down a majority of the outstanding principal and accrued interest on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994. Use of the VLF receivables proceeds, in addition to surplus monies in the Environmental Growth Fund designated for the payment of debt service on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994 would pay down approximately 90% of the outstanding principal and accrued interest on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994. Preliminary analysis shows that the new debt service schedules may result in savings of \$6.6-6.8 million per year from Fiscal Year 2006 through Fiscal Year 2010. Thus, over \$6 million in SDG&E franchise revenue deposited into the Environmental Growth Two-Thirds Fund will not be needed for debt service in the coming years and is proposed to be used to fund priorities that preserve and enhance the environment within the General Fund.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Pursuant to Municipal Code 63.30(d), "if the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services necessary for preserving and enhancing the environment, the City Manager may ask the City Council to temporarily suspend compliance with this Section in order to allow Environmental Growth Funds to be allocated consistent with San Diego Charter Section 103.1a. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Creating a mechanism for the suspension of this Section is necessary to prevent the abrogation of duties, obligations, and prerogatives of the City Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter Section 71."

FISCAL IMPACT:

Suspension of Municipal Code Sections 22.0228 (Library Ordinance), 22.0229 (Mission Bay Ordinance), 63.30 (Environmental Growth Ordinance), and City Council Policy 100-18 Community Parking District Policy (Section B) is critical to the development of a balanced Fiscal Year 2006 Proposed Budget to be presented to the Mayor and City Council on May 2, 2005.

Ewell/Vattimo/JS

Staff: Jeff Sturak – (619) 235-5713
Kelly Salt – Deputy City Attorney

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – 4675 Ohio Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4675 Ohio Street” (T.M. No. 27562/PTS No. 57091), located southeasterly of Adams Avenue and Ohio Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Settlement of Property Damage Claim of Joyce Sanders and Terry Mills.

(R-2005-1017)

Adopted as Resolution R-300300 on April 4, 2005.

A Resolution approved by the City Council in Closed Session on Monday, April 4, 2005 by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$110,414.81 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Joyce Sanders and Terry Mills;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$74,605.81 made payable to Luth and Turley, Inc.

Aud. Cert. 2500865.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT